Bracero General

A Summary of Public Law 78 as Amended

Public Law 78 is for the purpose of assisting in the production of agricultural commodities and products by supplying workers from Mexico. This exchange is facilitated by international agreement. Under the law the Secretary of Labor may:

1. Recruit workers
2. Establish and operate reception centers
3. Provide transportation from recruiting centers to reception centers
4. Provide subsistence, medical care, etc. while workers are at reception centers
5. Assist in negotiating work contracts
6. Guarantee payment of wages

In order to secure Mexican workers the employer must enter into an agreement with the U. S. stating that he will:

1. Indemnify the U.S. against loss
2. Reimburse the U.S. for essential expenses not to exceed $15/worker
3. Pay for return of workers to reception centers

Workers may be recruited only if the Secretary of Labor has determined there is a shortage of domestic labor who are able, willing and qualified to perform the services sought; that the wages and working conditions of domestics will not be adversely affected; reasonable efforts have been made to attract domestics. Nationals may be employed in horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying or the other processing of perishable or seasonable agricultural products.

Contract nationals are excluded from the provisions of the Social Security Act.

The Migrant Labor Agreement spells out in detail the general provisions of the law. Employers must meet conditions set down by the Consul of Mexico and the Secretary of Labor. These conditions include adequate housing, sanitary facilities and drinking water. No discrimination may be practiced. Preference in employment must be given to domestic workers.

Work contracts are for at least six weeks or 160 hours. Wages must be for the prevailing wage or sufficient to cover the workers normal living needs. Records, in both English and Spanish, showing wages, hours, deductions, etc. shall be given the worker for each pay period. Nationals cannot be used to break strikes or lockouts. Mexican workers may elect their own representatives to negotiate with employer, or go direct to the employer.

Ample procedure is outlined for enforcement of the agreement.

The Standard Work Contract provides free and adequate lodging, stipulates insurance coverage for occupational risks at the employers' expense, and non-occupational insurance to be paid for out of workers' earnings. All tools and equipment are provided by the employer. Costs of meals are fixed at a maximum of $1.75/day if furnished by the employer. If prepared by the employee a subsistence is paid. The contract provisions about wages and employment guarantee conform to the agreement.

Joint Operating Instructions cover transportation by bus or truck, stipulate facilities to be provided, hours of travel and meals in transit. Standards for equipment are somewhat higher than those established by the California Motor Vehicle Code.

Minimum Acceptable Housing Standards have been developed over the years and generally follow standards for the armed services.

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